

#### REMARKS

Claims 1-3 are presently in the application.

Claims 1-3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Green (USP 3,849,019) in view of Voissem (3,266,346). The Examiner contends that Green discloses an annular cutter having a plug ejector, the ejector including a washer with pins extending through holes in the base of the cutter and springs for retracting the ejector. The secondary reference, Voissem, is relied upon for a disclosure of a similar ejector having a rear plate, a forward plate and bolts interconnecting the two plates. The conclusion is drawn that it would have been obvious to provide the device of Green with a forward plate secured with bolts as disclosed by Vossem to prevent loss of the ejector and to guide the rods within the holes of the base of the cutter. The materials comprising the washers such as wood or metal were deemed to be obvious by the examiner due to their low cost and durability. This rejection is traversed as follows:

Green is directed to a rotary cutting tool, for cutting holes in porcelain coated metal objects. The function of the described device is to cut circular holes in such porcelain objects and avoid chipping of then porcelain from the margin of the hole being made. Quite obviously, the device disclosed by the patentee differs markedly from a functional standpoint than that of applicant. The structure being claimed is solely designed for the generation of holes in wooden structures

including means for mechanically expelling unwanted materials at the conclusion of the cutting process. The Green device is solely concerned with boring of holes in porcelain and neither suggests nor discloses any structure of means for expelling unwanted material, specifically wooden material, from the device at the conclusion of the boring process. Accordingly, there is no suggestion or disclosure of applicant's teaching in the Green device and it is urged that the patentee neither discloses, teaches or suggests doing what applicant is claiming.

The secondary reference, Voissem, is directed to a hole cutter carried and manipulated with the chuck at the end of a driving shaft with which the spindle of the hole cutter is connected. The hole cutter of the patentee comprises a tool having a spindle with a work-engaging point and a transverse bridge member upon which one or more knives may be mounted. The knife or knives are encircled and partially enclosed by a casing member comprising a tubular handle encircling the shank of the spindle. In operation, the spindle and knife support are retracted within the casing subject to the bias of a spring compressed when the operator exerts pressure to force the cutting knives out of the open end of the casing into engagement with the work

Claims 1-3 stand further rejected under 35 U.S.C. 103(a) as being unpatentable over Frevel (2,435,648) in view of Hougen (3,559,513). The Examiner urges that Frevel discloses a hole saw having blades in a circular arrangement on base 11 and an

ejector. The Hougen reference is relied upon for disclosure of an ejector within a circular blade. The conclusion is drawn that it would have been obvious to replace the cutter of Frevel with an annular hole cutter of the type shown by Hougen. This rejection is traversed as follows:

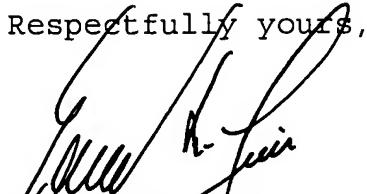
The Frevel disclosure relates to a hole cutter for cutting holes in a wall. the patentee focused upon the cutting of a cylindrical hole and the removal of a cylindrical plug from the inner sides of the teeth or blades of the cutter. This end was effected by means of a weighted hub adapted to strike a blow against a disk within the cutter so that the plug of work would be removed from between the cutting blades. Quite obviously, this concept is totally different from that claimed by applicant wherein pressure is simply applied to a base plate to activate springs to effect the removal of unwanted wood. The patentee employs a unitary assembly which requires manual removal of an unwanted plug of material rather than mechanical removal. The Hougen reference adds little to the Frevel disclosure and merely describes a hole cutter for cutting a circular hole in sheet metal. The mere disclosure of the annular nature of this type of hole cutter adds nothing to the Frevel disclosure and fails to suggest or disclose that which is applicant has claimed herein. Accordingly, it is urged that the reference rejection be withdrawn.

The required Petition for Extension of Time under 37 CFR 1.136(a) is appended hereto together with the required fee of

\$60.00 for a one month extension of time for response by a Small Entity.

Reconsideration and allowance of claims 1-3 are most earnestly solicited.

Respectfully yours,



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EMF:pc

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